



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1019/x 2
FFK/PJK:nwn/jld/cjs:rs

stays 1/15

DOA:.....Skwarczek, BB0220 - Income maintenance administration unit;
transfer of SSI programs; cemetery, funeral, and burial expenses
appropriation

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

(in 2-15)

do not
get out

1 AN ACT...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, income maintenance programs are administered by counties, except for Milwaukee County, and by tribal governing bodies through contracts with DHS. The Milwaukee County enrollment services unit within DHS (Milwaukee unit) administers income maintenance programs in Milwaukee County. Income maintenance programs are currently specified in the statutes as the Medical Assistance program, including BadgerCare Plus; the food stamp program; and the funeral, burial, and cemetery expenses program.

This bill requires DHS to establish an income maintenance administration unit (IM unit) in DHS to administer income maintenance programs in all counties. Under this bill, administration of income maintenance programs specifically includes receiving applications, determining eligibility, conducting fraud investigations, implementing error reduction procedures, and recovering overpayment of benefits. This bill provides that, until the IM unit is prepared to assume income maintenance administration from counties, DHS may continue to delegate income maintenance administrative functions to counties, on a county by county basis. Similarly, under

this bill, the Milwaukee unit will continue to administer income maintenance programs for Milwaukee County until the IM unit is prepared to administer income maintenance programs in Milwaukee County. This bill requires that the IM unit administer income maintenance programs for all counties no later than May 1, 2012. The Milwaukee unit is eliminated when the IM unit assumes income maintenance program administration in Milwaukee County or on May 1, 2012, whichever is earlier.

Under the funeral, burial, and cemetery expenses program in current law, county departments of social services or human services (county departments) pay cemetery, funeral, and burial expenses for decedents who, during life, received certain public assistance benefits and whose estates are insufficient to pay those expenses. DHS reimburses the county departments for those payments from a general purpose revenue (GPR) appropriation out of which DHS also pays county departments for administering the income maintenance programs.

This bill excludes payments for funeral, burial, and cemetery expenses and for administering the funeral, burial, and cemetery expenses program from that existing GPR appropriation and creates a new GPR appropriation for reimbursing counties for the funeral, burial, and cemetery expenses. In addition, the bill removes the funeral, burial, and cemetery expenses program from those programs that are income maintenance programs and requires that counties administer the program without financial assistance from the state for the administration.

Under current law, DHS administers two programs that provide supplemental payments to individuals who are eligible to receive federal supplemental security income (SSI). The first program provides supplemental cash payments, known as state supplemental payments, to an individual who qualifies for SSI because the individual is elderly, blind, or disabled. The second program, known as the caretaker supplement program, provides additional cash payments to an individual who receives SSI, state supplemental payments, or both, and is a custodial parent of a dependent child. This bill transfers the administration of the state supplemental payment program and the caretaker supplement program to DCF.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.27 (5) (c) of the statutes is amended to read:

16.27 (5) (c) A household entirely composed of persons receiving aid to families with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2036, or supplemental security income or state supplemental payments under 42 USC 1381 to 1383c or s. 49.77 49.39.

ENH 1 May 1, 2012, when the funeral, burial, and cemetery expenses program will be transferred to the unit or

1 **SECTION 2.** 20.435 (4) (bm) of the statutes is amended to read:

2 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*
3 *administration; contract costs, insurer reports, and resource centers.* Biennially, the
4 amounts in the schedule to provide a portion of the state share of administrative
5 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the
6 Badger Care health care program under s. 49.665 and to provide the state share of
7 administrative costs for the food stamp program under s. 49.79, other than payments
8 to counties and tribal governing bodies under s. 49.78 (8), to develop and implement
9 a registry of recipient immunizations, to reimburse 3rd parties for their costs under
10 s. 49.475, for costs associated with outreach activities, ~~for state administration of~~
11 ~~state supplemental grants to supplemental security income recipients under s.~~
12 ~~49.77,~~ to administer the pharmacy benefits purchasing pool under s. 146.45, and for
13 services of resource centers under s. 46.283. No state positions may be funded in the
14 department of health services from this appropriation, except positions for the
15 performance of duties under a contract in effect before January 1, 1987, related to
16 the administration of the Medical Assistance program between the subunit of the
17 department primarily responsible for administering the Medical Assistance
18 program and another subunit of the department. Total administrative funding
19 authorized for the program under s. 49.665 may not exceed 10% of the amounts
20 budgeted under pars. (p) and (x).

21 **SECTION 3.** 20.435 (4) (bm) of the statutes is amended to read:

22 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*
23 *administration; contract costs, insurer reports, and resource centers.* Biennially, the
24 amounts in the schedule to provide a portion of the state share of administrative
25 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the

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SECTION 3

1 Badger Care health care program under s. 49.665 and ~~to provide~~ ^{all of} the state share of
2 administrative costs for the food stamp program under s. 49.79, ~~other than payments~~
3 ~~to counties and tribal governing bodies under s. 49.78 (8) including payments to a~~
4 ~~tribal governing body that administers income maintenance programs, as defined in~~
5 ~~s. 49.78 (1) (b), to a county to which income maintenance administrative functions~~
6 ~~are delegated under 2011 Wisconsin Act (this act), section 9121 (1) (c), and for the~~
7 ~~administration of (income maintenance) ^{the} programs ^{under s. 49.825 (2) (a) 1.} by the Milwaukee County~~
8 ~~enrollment services unit, as described in s. 49.825 (2), to develop and implement a~~
9 registry of recipient immunizations, to reimburse 3rd parties for their costs under
10 s. 49.475, for costs associated with outreach activities, ~~for state administration of~~ ^{strike}
11 ~~state supplemental grants to supplemental security income recipients under s.~~
12 ~~49.77, to administer the pharmacy benefits purchasing pool under s. 146.45, and for~~
13 ~~services of resource centers under s. 46.283. No state positions may be funded in the~~
14 ~~department of health services from this appropriation, except positions for the~~
15 ~~performance of duties under a contract in effect before January 1, 1987, related to~~
16 ~~the administration of the Medical Assistance program between the subunit of the~~
17 ~~department primarily responsible for administering the Medical Assistance~~
18 ~~program and another subunit of the department or for positions in the income~~
19 ~~maintenance administration unit, as described in s. 49.78 (1m). Total administrative~~
20 ~~funding authorized for the program under s. 49.665 may not exceed 10% of the~~
21 ~~amounts budgeted under pars. (p) and (x).~~

22 SECTION 4. 20.435 (4) (bm) of the statutes, as affected by 2011 Wisconsin Act

23 (this act), is amended to read:

24 20.435 (4) (bm) Medical Assistance, food stamps, and Badger Care
25 administration; contract costs, insurer reports, and resource centers. Biennially, the

1 amounts in the schedule to provide a portion of the state share of administrative
2 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the
3 Badger Care health care program under s. 49.665 and ^{all of} ~~to provide~~ the state share of
4 administrative costs for the food stamp program under s. 49.79, including payments
5 to a tribal governing body that administers income maintenance programs, as
6 defined in s. 49.78 (1) (b), ^{and} ~~to a county to which income maintenance administrative~~
7 ~~functions are delegated under 2011 Wisconsin Act (this act), section 9121 (1) (c),~~
8 ~~and for the administration of income maintenance programs by the Milwaukee~~
9 ~~County enrollment services unit, as described in 49.825 (2),~~ ^{no strike} ~~to develop and~~
10 implement a registry of recipient immunizations, to reimburse 3rd parties for their
11 costs under s. 49.475, for costs associated with outreach activities, to administer the
12 pharmacy benefits purchasing pool under s. 146.45, and for services of resource
13 centers under s. 46.283. No state positions may be funded in the department of
14 health services from this appropriation, except positions for the performance of
15 duties under a contract in effect before January 1, 1987, related to the administration
16 of the Medical Assistance program between the subunit of the department primarily
17 responsible for administering the Medical Assistance program and another subunit
18 of the department or for positions in the income maintenance administration unit,
19 as described in s. 49.78 (1m). Total administrative funding authorized for the
20 program under s. 49.665 may not exceed 10% of the amounts budgeted under pars.
21 (p) and (x).

Ins. 5-21 → 22 **SECTION 5.** 20.435 (4) (bn) of the statutes is amended to read:

23 20.435 (4) (bn) Income maintenance; food stamp employment and training
24 program. Biennially, the amounts in the schedule for funeral expenses under s.
25 49.785, for the administration of the food stamp employment and training program

1 under s. 49.79 (9), ~~for the performance of income maintenance administrative~~
2 ~~activities on behalf of a local entity, as defined in s. 30.77 (3) (dm) 1. b., and for~~
3 ~~payments under s. 49.78 (8) relating to the administration of the Medical Assistance~~
4 ~~program under subch. IV of ch. 49, the Badger Care health care program under s.~~
5 ~~49.665, the food stamp program, and the cemetery, funeral, and burial expenses~~
6 ~~program under s. 49.785.~~

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 6.** 20.435 (4) (br) of the statutes is created to read:

8 20.435 (4) (br) *Cemetery, funeral, and burial expenses program.* Biennially, the
9 amounts in the schedule for cemetery, funeral, and burial expenses under s. 49.785.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 7.** 20.435 (4) (ed) of the statutes is renumbered 20.437 (2) (ed) and
11 amended to read:

12 20.437 (2) (ed) *State supplement to federal supplemental security income*
13 *program.* A sum sufficient for payments of supplemental grants to supplemental
14 security income recipients under s. ~~49.77~~ 49.39 and, except as provided in 1997
15 Wisconsin Act 237, section 9122 (4e) (a), for payments for the support of children of
16 supplemental security income recipients under s. ~~49.775~~ 49.395.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 8.** 20.435 (4) (im) of the statutes is amended to read:

18 20.435 (4) (im) *Medical assistance; correct payment recovery; collections; other*
19 *recoveries.* All moneys received from the recovery of correct medical assistance
20 payments under ss. 49.496 and 867.035 and rules promulgated under s. 46.286 (7),
21 and all moneys received as collections and other recoveries from providers, drug

1 manufacturers, and other 3rd parties under medical assistance performance-based
2 contracts, ~~and all moneys credited to this appropriation account under s. 49.89 (7)~~
3 ~~(f)~~, for payments to counties and tribal governing bodies under s. 49.496 (4) ~~(a)~~, for
4 payment of claims under s. 867.035 (3), for payments to the federal government for
5 its share of medical assistance benefits recovered, for the state share of medical
6 assistance benefits provided under subch. IV of ch. 49, and for costs related to
7 collections and other recoveries.

8 **SECTION 9.** 20.435 (4) (L) of the statutes is amended to read:

9 20.435 (4) (L) *Fraud and error reduction.* All moneys received as the state's
10 share of the recovery of overpayments and incorrect payments under ss. 49.497 (1)
11 and (1m), 49.793 (2) ~~(a)~~, and 49.847, all moneys received from counties and tribal
12 governing bodies as a result of any error reduction activities under ss. 49.197 and
13 49.845, ~~and all moneys credited to this appropriation account under ss. 49.497 (2) (b),~~
14 ~~49.793 (2) (b), and 49.847 (3) (b),~~ for any contracts under s. 49.197 (5), for any
15 activities to reduce error and fraud under s. 49.845, to pay federal sanctions under
16 the food stamp program, and for food stamp reinvestment activities under
17 reinvestment agreements with the federal department of agriculture that are
18 designed to improve the food stamp program.

19 **SECTION 10.** 20.435 (4) (nn) of the statutes is amended to read:

20 20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the
21 federal government for the costs of contracting for the administration of the Medical
22 Assistance program under subch. IV of ch. 49 and the Badger Care health care
23 program under s. 49.665 and the food stamp program, other than moneys received
24 under par. (pa), for ~~payments under s. 49.78 (8)~~ costs to administer income
25 maintenance programs, as defined in s. 49.78 (1) (b).

1 **SECTION 11.** 20.437 (2) (eg) of the statutes is created to read:

2 20.437 (2) (eg) *State supplement to federal supplemental security income*
3 *programs; administration.* Biennially, the amounts in the schedule for the
4 administration of the supplemental security income payments program under s.
5 49.39 and the program providing payments for the support of children of
6 supplemental security income recipients under s. 49.395.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 12.** 20.437 (2) (r) of the statutes is amended to read:

8 20.437 (2) (r) *Support receipt and disbursement program; payments.* From the
9 support collections trust fund, except as provided in par. (qm), all moneys received
10 under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys
11 received under ss. 767.57 and 767.75 for child or family support, maintenance,
12 spousal support, health care expenses, or birth expenses, all other moneys received
13 under judgments or orders in actions affecting the family, as defined in s. 767.001 (1),
14 and all moneys received under s. 49.855 (4) from the department of revenue or the
15 department of administration that were withheld by the department of revenue or
16 the internal revenue service for delinquent child support, family support, or
17 maintenance or outstanding court-ordered amounts for past support, medical
18 expenses, or birth expenses, for disbursement to the persons for whom the payments
19 are awarded, for returning seized funds under s. 49.854 (5) (f), and, if assigned under
20 s. 49.775 (2) (bm), 2009 stats., or s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145
21 (2) (s), 49.19 (4) (h) 1. b., or ~~49.775~~ 49.395 (2) (bm), for transfer to the appropriation
22 account under par. (k). Estimated disbursements under this paragraph shall not be
23 included in the schedule under s. 20.005.

1 **SECTION 13.** 20.545 (1) (i) of the statutes is amended to read:

2 20.545 (1) (i) *Services to nonstate governmental units.* The amounts in the
3 schedule for the purpose of funding personnel services to nonstate governmental
4 units under s. 230.05 (8), including services provided under ss. ~~49.78 (5)~~ 49.19 (19g)
5 (b) and 59.26 (8) (a). All moneys received from the sale of these services shall be
6 credited to this appropriation account.

7 **SECTION 14.** 40.02 (25) (b) 2c. of the statutes is amended to read:

8 40.02 (25) (b) 2c. A state employee described in s. ~~49.825 (4)~~ or 49.826 (4).

9 **SECTION 15.** 40.22 (2) (m) of the statutes is amended to read:

10 40.22 (2) (m) Notwithstanding sub. (3m), the employee was formerly employed
11 by Milwaukee County, is a state employee described in s. 49.825 (4), 2009 stats., or
12 s. 49.826 (4), and elects to remain a covered employee under the retirement system
13 established under chapter 201, laws of 1937, pursuant to s. 49.825 (4) (c), 2009 stats.,
14 or s. 49.826 (4) (c). This paragraph shall not apply if the employee remains a state
15 employee, but is no longer performing services for the Milwaukee County enrollment
16 services unit under s. 49.825, 2009 stats., or the child care provider services unit
17 under s. 49.826.

18 **SECTION 16.** 40.62 (2) of the statutes is amended to read:

19 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
20 of the department, any collective bargaining agreement under subch. I, V, or VI of
21 ch. 111, and ss. 13.121 (4), 36.30, ~~49.825 (4) (d)~~, 49.826 (4) (d), 230.35 (2), 233.10,
22 757.02 (5) and 978.12 (3).

23 **SECTION 17.** 46.206 (1) (bm) of the statutes is amended to read:

24 46.206 (1) (bm) All records of the department relating to aid provided under
25 s. 49.77, 2009 stats., or s. 49.46, 49.465, 49.468, 49.47, or 49.471, ~~or 49.77~~ are open

1 to inspection at reasonable hours by members of the legislature who require the
2 information contained in the records in pursuit of a specific state legislative purpose.
3 All records of any county relating to aid provided under s. 49.77, 2009 stats., or s.
4 49.46, 49.465, 49.468, 49.47, or 49.471,~~or 49.77~~ are open to inspection at reasonable
5 hours by members of the board of supervisors of the county or the governing body of
6 a city, village or town located in the county who require the information contained
7 in the records in pursuit of a specific county or municipal legislative purpose. The
8 right to records access provided by this paragraph does not apply if access is
9 prohibited by federal law or regulation or if this state is required to prohibit such
10 access as a condition precedent to participation in a federal program in which this
11 state participates.

12 **SECTION 18.** 46.215 (1) (intro.) of the statutes is amended to read:

13 46.215 (1) CREATION; POWERS AND DUTIES. (intro.) In a county with a population
14 of 500,000 or more the administration of welfare services, other than child welfare
15 services under s. 48.48 (17) administered by the department and except as provided
16 in ss. 49.155 (3g), 49.78 (1m), 49.825, and 49.826, is vested in a county department
17 of social services under the jurisdiction of the county board of supervisors under s.
18 46.21 (2m) (b) 1. a. Any reference in any law to a county department of social services
19 under this section applies to a county department under s. 46.21 (2m) in its
20 administration under s. 46.21 (2m) of the powers and duties of the county
21 department of social services. Except as provided in ss. 49.155 (3g), 49.78 (1m),
22 49.825, and 49.826, the county department of social services shall have the following
23 functions, duties, and powers, and such other welfare functions as may be delegated
24 to it:

1 **SECTION 19.** 46.215 (1) (intro.) of the statutes, as affected by 2011 Wisconsin
2 Act (this act), is amended to read:

3 46.215 (1) CREATION; POWERS AND DUTIES. (intro.) In a county with a population
4 of 500,000 or more the administration of welfare services, other than child welfare
5 services under s. 48.48 (17) administered by the department and except as provided
6 in ss. 49.155 (3g), 49.78 (1m), ~~49.825~~, and 49.826, is vested in a county department
7 of social services under the jurisdiction of the county board of supervisors under s.
8 46.21 (2m) (b) 1. a. Any reference in any law to a county department of social services
9 under this section applies to a county department under s. 46.21 (2m) in its
10 administration under s. 46.21 (2m) of the powers and duties of the county
11 department of social services. Except as provided in ss. 49.155 (3g), 49.78 (1m),
12 ~~49.825~~, and 49.826, the county department of social services shall have the following
13 functions, duties, and powers, and such other welfare functions as may be delegated
14 to it:

15 **SECTION 20.** 46.215 (1) (L) of the statutes is amended to read:

16 46.215 (1) (L) Within the limits of available state and federal funds and of
17 county funds appropriated to match state funds, to provide social services for persons
18 eligible for or receiving benefits under the supplementary security income program
19 under federal Title XVI, the supplemental payments program under s. ~~49.77~~ 49.39
20 or aid to families with dependent children under s. 49.19.

21 **SECTION 21.** 46.22 (1) (b) 1. (intro.) of the statutes is amended to read:

22 46.22 (1) (b) 1. (intro.) The Except as provided in s. 49.78 (1m), the county
23 department of social services shall have the following functions, duties and powers
24 in accordance with the rules promulgated by the department of health services and
25 subject to the supervision of the department of health services:

1 **SECTION 22.** 46.22 (1) (b) 1. c. of the statutes is renumbered 46.22 (1) (b) 2. h.
2 and amended to read:

3 46.22 (1) (b) 2. h. Within the limits of available state and federal funds and of
4 county funds appropriated to match state funds, to provide social services for persons
5 eligible for or receiving supplemental security aids under Title XVI of the social
6 security act, eligible for or receiving state supplemental payments under s. ~~49.77~~
7 49.39 or eligible for or receiving aid to families with dependent children under s.
8 49.19.

9 **SECTION 23.** 46.22 (1) (b) 2. d. of the statutes is repealed.

10 **SECTION 24.** 46.22 (1) (d) of the statutes is amended to read:

11 46.22 (1) (d) *Merit system; records.* The county department of social services
12 is subject to s. ~~49.78 (4) to (7)~~ 49.19 (19g). The county department of social services
13 and all county officers and employees performing any duties in connection with the
14 administration of aid to families with dependent children shall observe all rules
15 promulgated by the department of children and families under s. ~~49.78 (4)~~ 49.19
16 (19g) (a) and shall keep records and furnish reports as the department of children
17 and families requires in relation to their performance of such duties.

18 **SECTION 25.** 46.22 (2) (b) of the statutes is amended to read:

19 46.22 (2) (b) Appoint the county social services director under sub. (3) subject
20 to s. ~~49.78 (4) to (7)~~ 49.19 (19g) and the rules promulgated thereunder and subject
21 to the approval of the county board of supervisors in a county with a single-county
22 department of social services or the county boards of supervisors in counties with a
23 multicounty department of social services.

24 **SECTION 26.** 46.22 (3m) (a) of the statutes is amended to read:

1 46.22 **(3m)** (a) In any county with a county executive or a county administrator
2 that has established a single-county department of social services, the county
3 executive or county administrator, subject to s. ~~49.78 (4) to (7)~~ 49.19 (19g) and the
4 rules promulgated thereunder, shall appoint and supervise the county social services
5 director. The appointment is subject to the confirmation of the county board of
6 supervisors unless the county board of supervisors, by ordinance, elects to waive
7 confirmation or unless the appointment is made under a civil service system
8 competitive examination procedure established under s. 59.52 (8) or ch. 63.

9 **SECTION 27.** 46.27 (7) (am) of the statutes is amended to read:

10 46.27 **(7)** (am) From the appropriation under s. 20.435 (7) (bd), the department
11 shall allocate funds to each county or private nonprofit agency with which the
12 department contracts to pay assessment and case plan costs under sub. (6) not
13 otherwise paid by fee or under s. 49.45 ~~or 49.78 (2)~~. The department shall reimburse
14 counties for the cost of assessing persons who are eligible for medical assistance
15 under s. 49.46, 49.468, 49.47, or 49.471 (4) (a) ~~as part of the administrative services~~
16 ~~of medical assistance, payable, as provided~~ under s. 49.45 (3) (a). Counties may use
17 unspent funds allocated under this paragraph to pay the cost of long-term
18 community support services and for a risk reserve under par. (fr).

19 **SECTION 28.** 46.283 (3) (k) of the statutes is amended to read:

20 46.283 **(3)** (k) A determination of eligibility for state supplemental payments
21 under s. ~~49.77~~ 49.39, medical assistance under s. 49.46, 49.468, 49.47, or 49.471, or
22 the federal food stamp program under 7 USC 2011 to 2029.

23 **SECTION 29.** 46.40 (9) (e) of the statutes is created to read:

24 46.40 **(9)** (e) *Adjustment for income maintenance programs.* In each fiscal year,
25 beginning in fiscal year 2012-13, the department shall decrease a county's allocation

1 under sub. (2) from the appropriation under s. 20.435 (7) (b) by the amount that the
2 department determines the county expended in calendar year 2009 to provide
3 income maintenance programs, as defined in s. 49.78 (1) (b), 2009 stats.

4 **SECTION 30.** 48.57 (3m) (am) 6. of the statutes is amended to read:

5 48.57 (3m) (am) 6. The child for whom the kinship care relative is providing
6 care and maintenance is not receiving supplemental security income under 42 USC
7 1381 to 1383c or state supplemental payments under s. ~~49.77~~ 49.39.

8 **SECTION 31.** 48.57 (3n) (am) 5r. of the statutes is amended to read:

9 48.57 (3n) (am) 5r. The child for whom the long-term kinship care relative is
10 providing care and maintenance is not receiving supplemental security income
11 under 42 USC 1381 to 1383c or state supplemental payments under s. ~~49.77~~ 49.39.

12 **SECTION 32.** 48.685 (5) (br) 5. of the statutes is amended to read:

13 48.685 (5) (br) 5. An offense involving fraudulent activity as a participant in
14 the Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of
15 a child care subsidy under s. 49.155, or as a recipient of aid to families with dependent
16 children under s. 49.19, medical assistance under subch. IV of ch. 49, food stamps
17 benefits under the food stamp program under 7 USC 2011 to 2036, supplemental
18 security income payments under s. 49.77, 2009 stats., or s. 49.39, payments for the
19 support of children of supplemental security income recipients under s. 49.775, 2009
20 stats., or s. 49.395, or health care benefits under the Badger Care health care
21 program under s. 49.665.

22 **SECTION 33.** 49.145 (2) (i) of the statutes is amended to read:

23 49.145 (2) (i) The individual is not receiving supplemental security income
24 under 42 USC 1381 to 1383c or state supplemental payments under s. ~~49.77~~ 49.39
25 and, if the individual is a dependent child, the custodial parent of the individual does

1 not receive a payment on behalf of the individual under s. ~~49.775~~ 49.395. The
2 department may require an individual who receives benefits under s. 49.148 and who
3 has applied for supplemental security income under 42 USC 1381 to 1383c to
4 authorize the federal social security administration to reimburse the department for
5 the benefits paid to the individual under s. 49.148 during the period that the
6 individual was entitled to supplemental security income benefits to the extent that
7 retroactive supplemental security income benefits are made available to the
8 individual.

9 **SECTION 34.** 49.155 (1) (ah) of the statutes is amended to read:

10 49.155 (1) (ah) "County department or agency" means a county department
11 under s. 46.215, 46.22, or 46.23, ~~the unit, as defined in s. 49.825 (1) (e),~~ or a Wisconsin
12 Works agency, child care resource and referral agency, or other agency.

13 **SECTION 35.** 49.155 (3g) (a) (intro.) of the statutes is amended to read:

14 49.155 (3g) (a) (intro.) The department may contract with the Milwaukee
15 ~~County enrollment services unit, as provided in s. 49.825 (2) (b)~~ department of health
16 services, to do any of the following:

17 **SECTION 36.** 49.175 (1) (intro.) of the statutes is amended to read:

18 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
19 the limits of the appropriations under s. 20.437 (2) (a), (cm), (cr), (dz), (ed), (k), (kx),
20 (L), (mc), (md), (me), (mf), and (s), the department shall allocate the following
21 amounts for the following purposes:

22 **SECTION 37.** 49.175 (1) (intro.) of the statutes, as affected by 2009 Wisconsin
23 Act 28, section 1227, and 2011 Wisconsin Act (this act), is repealed and recreated
24 to read:

1 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
2 the limits of the appropriations under s. 20.437 (2) (a), (cm), (dz), (ed), (k), (kx), (L),
3 (mc), (md), (me), (mf), and (s), the department shall allocate the following amounts
4 for the following purposes:

5 **SECTION 38.** 49.175 (1) (r) of the statutes is amended to read:

6 49.175 (1) (r) *Children of recipients of supplemental security income.* For
7 payments made under s. ~~49.775~~ 49.395 for the support of the dependent children of
8 recipients of supplemental security income, \$29,899,800 in fiscal year 2009-10 and
9 \$29,933,200 in each fiscal year thereafter.

10 **SECTION 39.** 49.19 (19m) of the statutes is amended to read:

11 49.19 (**19m**) Notwithstanding subs. (1) to (19), no aid may be paid under this
12 section for a child on whose behalf a payment is made under s. ~~49.775~~ 49.395.

13 **SECTION 40.** 49.197 (1m) of the statutes is amended to read:

14 49.197 (**1m**) FRAUD INVESTIGATION. From the appropriations under s. 20.437 (2)
15 (dz), (kx), (L), (mc), (md), (me), and (nL), the department shall establish a program
16 to investigate suspected fraudulent activity on the part of recipients of aid to families
17 with dependent children under s. 49.19, supplemental security income payments
18 under s. 49.77, 2009 stats., or s. 49.39, and payments for the support of children of
19 supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395,
20 on the part of participants in the Wisconsin Works program under ss. 49.141 to
21 49.161, and, if the department of health services contracts with the department
22 under sub. (5), on the part of recipients of medical assistance under subch. IV, food
23 stamp benefits under the food stamp program under 7 USC 2011 to 2036,
24 ~~supplemental security income payments under s. 49.77, payments for the support of~~
25 ~~children of supplemental security income recipients under s. 49.775, and health care~~

1 benefits under the Badger Care health care program under s. 49.665. The
2 department's activities under this subsection may include, but are not limited to,
3 comparisons of information provided to the department by an applicant and
4 information provided by the applicant to other federal, state, and local agencies,
5 development of an advisory welfare investigation prosecution standard, and
6 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to
7 Wisconsin Works agencies to encourage activities to detect fraud. The department
8 shall cooperate with district attorneys regarding fraud prosecutions.

9 **SECTION 41.** 49.197 (2) (cm) of the statutes is amended to read:

10 49.197 (2) (cm) Any amounts recovered with respect to the child care subsidy
11 program under s. 49.155 by a county department in a county having a population of
12 500,000 or more as a result of a program under par. (b) or due to the efforts of an
13 employee of such a county who is supervised by the department ~~or the department~~
14 ~~of health services under s. 49.825~~ shall be credited to the appropriation account
15 under s. 20.437 (2) (me).

16 **SECTION 42.** 49.197 (3) of the statutes is amended to read:

17 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
18 activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161,
19 the supplemental security income payments program under s. 49.39, the program
20 providing payments for the support of children of supplemental security income
21 recipients under s. 49.395, and, if the department of health services contracts with
22 the department under sub. (5), the Medical Assistance program under subch. IV, the
23 food stamp program under 7 USC 2011 to 2036, ~~the supplemental security income~~
24 ~~payments program under s. 49.77, the program providing payments for the support~~

1 of children of supplemental security income recipients under s. 49.775, and the
2 Badger Care health care program under s. 49.665.

3 **SECTION 43.** 49.197 (4) of the statutes is amended to read:

4 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health
5 services contracts with the department under sub. (5), the department shall provide
6 funds from the appropriation under s. 20.437 (2) (kx) to counties and governing
7 bodies of federally recognized American Indian tribes administering Medical
8 Assistance under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
9 ~~supplemental security income payments program under s. 49.77, the program~~
10 ~~providing payments for the support of children of supplemental security income~~
11 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665,~~
12 as applicable, to offset administrative costs of reducing payment errors in those
13 programs.

14 **SECTION 44.** 49.197 (5) of the statutes is amended to read:

15 49.197 (5) ~~CONTRACTS FOR MEDICAL ASSISTANCE, AND FOOD STAMPS, SUPPLEMENTAL~~
16 ~~SECURITY INCOME, AND CARETAKER SUPPLEMENT.~~ Notwithstanding s. 49.845 (1) and (2),
17 the department of health services may contract with the department to investigate
18 suspected fraudulent activity on the part of recipients of medical assistance under
19 subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to
20 2036, ~~supplemental security income payments under s. 49.77, payments for the~~
21 ~~support of children of supplemental security income recipients under s. 49.775, and~~
22 health care benefits under the Badger Care health care program under s. 49.665 and
23 to conduct activities to reduce payment errors in the Medical Assistance program
24 under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
25 ~~supplemental security income payments program under s. 49.77, the program~~

1 ~~providing payments for the support of children of supplemental security income~~
2 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665,~~
3 as provided in this section.

4 **SECTION 45.** 49.35 (1) (bm) of the statutes is amended to read:

5 49.35 (1) (bm) All records of the department relating to aid provided under s.
6 49.19 or 49.39 are open to inspection at reasonable hours by members of the
7 legislature who require the information contained in the records in pursuit of a
8 specific state legislative purpose. All records of any county relating to aid provided
9 under s. 49.19 or 49.39 are open to inspection at reasonable hours by members of the
10 board of supervisors of the county or the governing body of a city, village or town
11 located in the county who require the information contained in the records in pursuit
12 of a specific county or municipal legislative purpose. The right to records access
13 provided by this paragraph does not apply if access is prohibited by federal law or
14 regulation or if this state is required to prohibit such access as a condition precedent
15 to participation in a federal program in which this state participates.

16 **SECTION 46.** 49.43 (1e) of the statutes is amended to read:

17 49.43 (1e) "Accommodated person" means any person in a hospital or in a
18 skilled nursing facility or intermediate care facility, as defined in Title XIX of the
19 social security act, who would have been eligible for benefits under s. 49.19 or ~~49.77~~
20 49.39 or federal Title XVI if the person were not in such a hospital or facility, and any
21 person in such an institution who can be found eligible for Title XIX under the social
22 security act.

23 **SECTION 47.** 49.45 (2) (a) 3. of the statutes is amended to read:

24 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
25 rehabilitative, and social services under ss. 49.46, 49.468, 49.47, and 49.471 and

1 rules and policies adopted by the department and may, under a contract under s.
2 49.78 (2), delegate all, or any portion, of this function to the county department under
3 s. 46.215, 46.22, or 46.23 or a tribal governing body.

4 **SECTION 48.** 49.45 (3) (a) of the statutes is amended to read:

5 49.45 (3) (a) Reimbursement shall be made to each county department under
6 ss. 46.215, 46.22, and 46.23 for any administrative services performed in the Medical
7 Assistance program on the basis of s. 49.78 (8). For purposes of reimbursement
8 under this paragraph, assessments completed under s. 46.27 (6) (a) are
9 administrative services performed in the Medical Assistance program.

10 **SECTION 49.** 49.45 (5) (b) 1. (intro.) of the statutes is amended to read:

11 49.45 (5) (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the
12 department shall give the applicant or recipient reasonable notice and opportunity
13 for a fair hearing. The department may make such additional investigation as it
14 considers necessary. Notice of the hearing shall be given to the applicant or recipient
15 and, if a county department under s. 46.215, 46.22, or 46.23 is responsible for making
16 made the medical assistance determination, to the county clerk of the county. The
17 county may be represented at such hearing. The department shall render its decision
18 as soon as possible after the hearing and shall send a certified copy of its decision to
19 the applicant or recipient, and to the county clerk, and to any county officer charged
20 with administration of the Medical Assistance program. The decision of the
21 department shall have the same effect as an order of a county officer charged with
22 the administration of the Medical Assistance program of the county that made the
23 medical assistance determination. The decision shall be final, but may be revoked
24 or modified as altered conditions may require. The department shall deny a petition
25 for a hearing or shall refuse to grant relief if:

1 **SECTION 50.** 49.45 (5) (b) 2. (intro.) of the statutes is amended to read:

2 49.45 **(5)** (b) 2. (intro.) If a recipient requests a hearing within the timely notice
3 period specified in 42 CFR 431.231 (c), medical assistance coverage shall not be
4 suspended, reduced, or discontinued until a decision is rendered after the hearing
5 but medical assistance payments made pending the hearing decision may be
6 recovered by the department if the contested decision or failure to act is upheld. If
7 a county department ~~is responsible for making~~ made the medical assistance
8 determination, the department shall notify the county department of the county in
9 which the recipient resides that the recipient has requested a hearing. Medical
10 assistance coverage shall be suspended, reduced, or discontinued if:

11 **SECTION 51.** 49.45 (19) (bm) of the statutes is amended to read:

12 49.45 **(19)** (bm) The department ~~or the county department under s. 46.215 or~~
13 46.22 shall notify applicants of the requirements of this subsection at the time of
14 application.

15 **SECTION 52.** 49.45 (34) of the statutes is amended to read:

16 49.45 **(34)** MEDICAL ASSISTANCE MANUAL. The department shall prepare a
17 medical assistance manual that is clear, comprehensive and consistent with this
18 subchapter and 42 USC 1396a to 1396u and shall, ~~no later than July 1, 1992, provide~~
19 ~~the manual to counties for use by county employees who administer the medical~~
20 ~~assistance program.~~

21 **SECTION 53.** 49.46 (1) (a) 4. of the statutes is amended to read:

22 49.46 **(1)** (a) 4. Any person receiving benefits under s. ~~49.77~~ 49.39 or federal
23 Title XVI.

24 **SECTION 54.** 49.46 (1) (a) 4m. of the statutes is amended to read:

25 49.46 **(1)** (a) 4m. Any child for whom a payment is made under s. ~~49.775~~ 49.395.

1 **SECTION 55.** 49.46 (1) (d) 4. of the statutes is amended to read:

2 49.46 (1) (d) 4. A child who meets the conditions under 42 USC 1396a (e) (3)
3 shall be considered a recipient of benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

4 **SECTION 56.** 49.46 (1) (e) of the statutes is amended to read:

5 49.46 (1) (e) If an application under s. 49.47 (3) shows that the individual meets
6 the income limits under s. 49.19 or meets the income and resource requirements
7 under federal Title XVI or s. ~~49.77~~ 49.39, or that the individual is an essential person,
8 an accommodated person, or a patient in a public medical institution, the individual
9 shall be granted the benefits enumerated under sub. (2) whether or not the
10 individual requests or receives a grant of any of such aids.

11 **SECTION 57.** 49.465 (2) (a) of the statutes is amended to read:

12 49.465 (2) (a) If the woman applies for benefits under s. 49.46 or 49.47 within
13 the time required under sub. (4), the day on which the department ~~or the county~~
14 ~~department under s. 46.215, 46.22 or 46.23~~ determines whether the woman is
15 eligible for benefits under s. 49.46 or 49.47.

16 **SECTION 58.** 49.47 (3) (b) of the statutes is amended to read:

17 49.47 (3) (b) The agency department shall promptly review the application and
18 shall issue a certificate to the individual showing eligibility when eligibility has been
19 established.

20 **SECTION 59.** 49.47 (4) (c) 1. of the statutes is amended to read:

21 49.47 (4) (c) 1. Except as provided in par. (am) and as limited by subd. 3.,
22 eligibility exists if income does not exceed 133 1/3% of the maximum aid to families
23 with dependent children payment under s. 49.19 (11) for the applicant's family size
24 or the combined benefit amount available under supplemental security income
25 under 42 USC 1381 to 1383c and state supplemental aid under s. ~~49.77~~ 49.39,

1 whichever is higher. In this subdivision "income" includes earned or unearned
2 income that would be included in determining eligibility for the individual or family
3 under s. 49.19 or ~~49.77~~ 49.39, or for the aged, blind or disabled under 42 USC 1381
4 to 1385. "Income" does not include earned or unearned income which would be
5 excluded in determining eligibility for the individual or family under s. 49.19 or ~~49.77~~
6 49.39, or for the aged, blind or disabled individual under 42 USC 1381 to 1385.

7 **SECTION 60.** 49.471 (5) (b) 3. a. of the statutes is amended to read:

8 49.471 (5) (b) 3. a. If the woman or child applies for benefits under sub. (4)
9 within the time required under par. (d), the benefits specified in subd. 1. or 2.,
10 whichever is applicable, end on the day on which the department ~~or the county~~
11 ~~department under s. 46.215, 46.22, or 46.23~~ determines whether the woman or child
12 is eligible for benefits under sub. (4).

13 **SECTION 61.** 49.471 (7) (c) 4. of the statutes is amended to read:

14 49.471 (7) (c) 4. Not include in the calculation any income of an individual
15 receiving benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

16 **SECTION 62.** 49.472 (4) (a) 2. a. of the statutes is amended to read:

17 49.472 (4) (a) 2. a. A maintenance allowance established by the department by
18 rule. The maintenance allowance may not be less than the sum of \$20, the federal
19 supplemental security income payment level determined under 42 USC 1382 (b) and
20 the state supplemental payment determined under s. ~~49.77 (2m)~~ 49.39 (2m).

21 **SECTION 63.** 49.473 (2) (intro.) of the statutes is amended to read:

22 49.473 (2) (intro.) A woman is eligible for medical assistance as provided under
23 sub. (5) if, after applying to the department ~~or a county department~~, the department
24 ~~or a county department~~ determines that she meets all of the following requirements:

25 **SECTION 64.** 49.473 (3) (intro.) of the statutes is amended to read:

1 49.473 (3) (intro.) Prior to applying to the department ~~or a county department~~
2 for medical assistance, a woman is eligible for medical assistance as provided under
3 sub. (5) beginning on the date on which a qualified entity determines, on the basis
4 of preliminary information, that the woman meets the requirements specified in sub.
5 (2) and ending on one of the following dates:

6 **SECTION 65.** 49.473 (3) (a) of the statutes is amended to read:

7 49.473 (3) (a) If the woman applies to the department ~~or a county department~~
8 for medical assistance within the time limit required under sub. (4), the day on which
9 the department ~~or county department~~ determines whether the woman meets the
10 requirements under sub. (2).

11 **SECTION 66.** 49.473 (3) (b) of the statutes is amended to read:

12 49.473 (3) (b) If the woman does not apply to the department ~~or county~~
13 ~~department~~ for medical assistance within the time limit required under sub. (4), the
14 last day of the month following the month in which the qualified entity determines
15 that the woman is eligible for medical assistance.

16 **SECTION 67.** 49.473 (4) of the statutes is amended to read:

17 49.473 (4) A woman who a qualified entity determines under sub. (3) is eligible
18 for medical assistance shall apply to the department ~~or county department~~ no later
19 than the last day of the month following the month in which the qualified entity
20 determines that the woman is eligible for medical assistance.

21 **SECTION 68.** 49.473 (6) (b) of the statutes is amended to read:

22 49.473 (6) (b) Inform the woman at the time of the determination that she is
23 required to apply to the department ~~or a county department~~ for medical assistance
24 no later than the last day of the month following the month in which the qualified
25 entity determines that the woman is eligible for medical assistance.

1 **SECTION 69.** 49.496 (4) (a) of the statutes is renumbered 49.496 (4) and
2 amended to read:

3 **49.496 (4)** The department may require a county department under s. 46.215,
4 46.22, or 46.23 or the governing body of a federally recognized American Indian tribe
5 administering medical assistance to gather and provide the department with
6 information needed to recover medical assistance under this section. ~~Except as~~
7 ~~provided in par. (b), the~~ The department shall pay to a county department or tribal
8 governing body an amount equal to 5% of the recovery collected by the department
9 relating to a beneficiary for whom the county department or tribal governing body
10 made the last determination of medical assistance eligibility. A county department
11 or tribal governing body may use funds received under this ~~paragraph~~ subsection
12 only to pay costs incurred under this ~~paragraph~~ subsection and, if any amount
13 remains, to pay for improvements to functions required under s. 49.78 (2). The
14 department may withhold payments under this ~~paragraph~~ subsection for failure to
15 comply with the department's requirements under this ~~paragraph~~ subsection. The
16 department shall treat payments made under this ~~paragraph~~ subsection as costs of
17 administration of the Medical Assistance program.

18 **SECTION 70.** 49.496 (4) (b) of the statutes is repealed.

19 **SECTION 71.** 49.496 (5) of the statutes is amended to read:

20 **49.496 (5) USE OF FUNDS.** From the appropriation under s. 20.435 (4) (im), the
21 department shall pay the amount of the payments under sub. (4) (a) that is not paid
22 from federal funds, shall pay to the federal government the amount of the funds
23 recovered under this section equal to the amount of federal funds used to pay the
24 benefits recovered under this section, and shall spend the remainder of the funds
25 recovered under this section for medical assistance benefits under this subchapter.

SECTION 72. 49.497 (1) (b) of the statutes is amended to read:

49.497 (1) (b) The department's right of recovery is against any Medical Assistance or Badger Care recipient to whom or on whose behalf the incorrect payment was made. The extent of recovery is limited to the amount of the benefits incorrectly granted. ~~The county department under s. 46.215 or 46.22 or the governing body of a federally recognized American Indian tribe administering Medical Assistance or Badger Care shall~~ may begin recovery actions on behalf of the department according to rules promulgated by the department.

SECTION 73. 49.497 (2) (a) of the statutes is renumbered 49.497 (2) and amended to read:

49.497 (2) ~~Except as provided in par. (b), a~~ A county or governing body of a federally recognized American Indian tribe may retain 15% of benefits provided under this subchapter or s. 49.665 that are recovered under this section due to the efforts of an employee or officer of the county or tribe.

SECTION 74. 49.497 (2) (b) of the statutes is repealed.

SECTION 75. 49.77 of the statutes is renumbered 49.39, and 49.39 (6), as renumbered, is amended to read:

49.39 (6) **AUTHORITY TO ADMINISTER; RULES.** The department shall administer this section and s. ~~49.775~~ 49.395, and may promulgate rules to guide the administration of eligibility determinations and benefits payments.

SECTION 76. 49.775 of the statutes is renumbered 49.395, and 49.395 (2) (a), (b), (bm) and (e) 1., as renumbered, are amended to read:

49.395 (2) (a) The custodial parent is a recipient of supplemental security income under 42 USC 1381 to 1383c or of state supplemental payments under s. ~~49.77~~ 49.39, or both.

1 (b) If the dependent child has 2 custodial parents, each custodial parent
2 receives supplemental security income under 42 USC 1381 to 1383c or state
3 supplemental payments under s. ~~49.77~~ 49.39, or both.

4 (bm) The custodial parent assigns to the state any right of the custodial parent
5 or of the dependent child to support from any other person accruing during the time
6 that any payment under this subsection is made to the custodial parent. No amount
7 of support that begins to accrue after the individual ceases to receive payments under
8 this section may be considered assigned to the state. Seventy-five percent of all
9 money that is received by the department of ~~children and families~~ under an
10 assignment to the state under this paragraph shall be paid to the custodial parent.
11 The department of ~~children and families~~ shall pay the federal share of support
12 assigned under this paragraph as required under federal law or waiver.

13 (e) 1. The custodial parent is ineligible for aid under s. 49.19 solely because he
14 or she receives supplemental security income under 42 USC 1381 to 1383c or state
15 supplemental payments under s. ~~49.77~~ 49.39.

16 **SECTION 77.** 49.776 of the statutes is renumbered 49.396 and amended to read:

17 **49.396 Payment of support arrears.** If a custodial parent who formerly
18 received payments under s. ~~49.775, 2009 stats., or s. 49.395~~ but who is no longer
19 receiving payments under s. ~~49.775, 2009 stats., or s. 49.395~~ assigned to the state
20 under s. ~~49.775 (2) (bm), 2009 stats., or s. 49.395 (2) (bm)~~ his or her right or the right
21 of the dependent child to support from any other person, the department shall pay
22 to the custodial parent all money in support arrears that is collected by the
23 department after the custodial parent's receipt of payments under s. ~~49.775, 2009~~
24 stats., or s. 49.395 ceased and that accrued while the custodial parent was receiving
25 those payments.

1 **SECTION 78.** 49.78 (1) (b) of the statutes is amended to read:

2 49.78 (1) (b) "Income maintenance program" means the Medical Assistance
3 program under subch. IV of ch. 49, the Badger Care health care program under s.
4 49.665, and the food stamp program under 7 USC 2011 to 2036, ~~or the cemetery,~~
5 ~~funeral, and burial expenses program under s. 49.785.~~

6 **SECTION 79.** 49.78 (1) (bm) of the statutes is created to read:

7 49.78 (1) (bm) "Income maintenance worker" means a person employed by or
8 under a contract with the department or a tribal governing body whose duties
9 include determining eligibility for income maintenance programs.

10 **SECTION 80.** 49.78 (1) (f) of the statutes is created to read:

11 49.78 (1) (f) "Unit" means the income maintenance administration unit.

12 **SECTION 81.** 49.78 (1m) (intro.) of the statutes, as created by 2011 Wisconsin
13 Act (this act), is amended to read:

14 49.78 (1m) (intro.) The department shall establish an income maintenance
15 administration unit under s. 15.02 (3) (c) 3. to administer income maintenance
16 programs in this state, ~~except as provided in s. 49.825 (2).~~ Administration of income
17 maintenance programs includes the following:

18 **SECTION 82.** 49.78 (1m) of the statutes is created to read:

19 49.78 (1m) ESTABLISHMENT OF UNIT. The department shall establish an income
20 maintenance administration unit under s. 15.02 (3) (c) 3. to administer income
21 maintenance programs in this state, except as provided in s. 49.825 (2).
22 Administration of income maintenance programs includes the following:

23 (a) Receiving applications.

24 (b) Determining eligibility.

25 (c) Conducting fraud investigation and fraud prevention activities.

1 (d) Implementing error reduction procedures.

2 (e) Recovering overpayments of benefits.

3 **SECTION 83.** 49.78 (1p) of the statutes is created to read:

4 49.78 (1p) INCOME MAINTENANCE ADMINISTRATION UNIT CONTRACTS. The
5 department may contract with a public or private entity to provide the income
6 maintenance administrative services described in sub. (1m). A contract to provide
7 income maintenance administrative services under this section is exempt from
8 subch. IV of ch. 16.

9 **SECTION 84.** 49.78 (1r) of the statutes is created to read:

10 49.78 (1r) ADMINISTRATION BY A TRIBAL GOVERNING BODY. A tribal governing body
11 may administer income maintenance programs by electing to have the unit
12 administer the tribe's income maintenance programs or by providing the required
13 administrative services and entering into a contract with the department for
14 reimbursement under sub. (2).

15 **SECTION 85.** 49.78 (2) of the statutes is amended to read:

16 49.78 (2) CONTRACTS WITH A TRIBAL GOVERNING BODY. Annually, for the income
17 maintenance administrative program functions, if any, that the department
18 delegates to a ~~county or~~ tribal governing body, ~~the department and county~~
19 ~~department under s. 46.215, 46.22, or 46.23 shall enter into a contract, and the~~
20 department and tribal governing body may enter into a contract, for reimbursement
21 of the ~~county department or~~ tribal governing body for the reasonable cost of
22 administering income maintenance programs.

23 **SECTION 86.** 49.78 (4) of the statutes is renumbered 49.19 (19g) (a) and
24 amended to read:

1 **49.19 (19g) (a) ~~RULES, MERIT SYSTEM.~~** The department of ~~children and families~~
2 shall promulgate rules for the efficient administration of aid to families with
3 dependent children in agreement with the requirement for federal aid, including the
4 establishment and maintenance of personnel standards on a merit basis. The
5 provisions of this ~~section~~ subsection relating to personnel standards on a merit basis
6 supersede any inconsistent provisions of any law relating to county personnel. This
7 ~~subsection~~ paragraph shall not be construed to invalidate the provisions of s. 46.22
8 (1) (d).

9 **SECTION 87.** 49.78 (5) of the statutes is renumbered 49.19 (19g) (b) and
10 amended to read:

11 **49.19 (19g) (b) ~~PERSONNEL EXAMINATIONS.~~** Statewide examinations to ascertain
12 qualifications of applicants in any county department administering aid to families
13 with dependent children shall be given by the administrator of the division of merit
14 recruitment and selection in the office of state employment relations. The office of
15 state employment relations shall be reimbursed for actual expenditures incurred in
16 the performance of its functions under this ~~section~~ subsection from the
17 appropriations available to the department of ~~children and families~~ for
18 administrative expenditures.

19 **SECTION 88.** 49.78 (6) (title) of the statutes is repealed.

20 **SECTION 89.** 49.78 (6) of the statutes is renumbered 49.19 (19g) (c).

21 **SECTION 90.** 49.78 (7) of the statutes is renumbered 49.19 (19g) (d) and
22 amended to read:

23 **49.19 (19g) (d) ~~COUNTY PERSONNEL SYSTEMS.~~** Pursuant to rules promulgated
24 under sub. (4) par. (a), the department of ~~children and families~~ where requested by
25 the county shall delegate to that county, without restriction because of enumeration,

1 any or all of the authority of the department of children and families under sub. (4)
2 par. (a) to establish and maintain personnel standards including salary levels.

3 **SECTION 91.** 49.78 (8) (a) of the statutes is amended to read:

4 49.78 (8) (a) From the ~~appropriation accounts~~ appropriations under s. 20.435
5 (4) ~~(bn)~~ (bm) and (nn) and subject to par. (b), the department shall reimburse each
6 ~~county and~~ tribal governing body that contracts with the department under sub. (2)
7 for reasonable costs of administering the income maintenance programs, including
8 conducting fraud prevention activities. The amount of each reimbursement paid
9 under this paragraph shall be calculated using a formula based on workload within
10 the limits of available state and federal funds under s. 20.435 (4) ~~(bn)~~ (bm) and (nn)
11 by contract under sub. (2). The amount of reimbursement calculated under this
12 paragraph and par. (b) is in addition to any reimbursement provided to a ~~county or~~
13 tribal governing body for fraud and error reduction under s. 49.197 or 49.845.

14 **SECTION 92.** 49.78 (8) (b) of the statutes is amended to read:

15 49.78 (8) (b) The department may adjust the amounts determined under par.
16 (a) for workload changes and computer network activities performed by a ~~county or~~
17 tribal governing body and may reduce the amount of any reimbursement if federal
18 reimbursement is withheld due to audits, quality control samples, or program
19 reviews.

20 **SECTION 93.** 49.78 (10) (title) of the statutes is amended to read:

21 49.78 (10) (title) ~~COUNTY~~ TRIBAL GOVERNING BODY CERTIFICATION.

22 **SECTION 94.** 49.78 (10) (a) of the statutes is amended to read:

23 49.78 (10) (a) ~~Each county treasurer and director of a county department under~~
24 ~~s. 46.215, 46.22, or 46.23 that contracts with the department under sub. (2) and each~~
25 Each tribal governing body that contracts with the department under sub. (2) shall

1 certify monthly under oath to the department in such manner as the department
2 prescribes the claim of the ~~county or~~ tribal governing body for state reimbursement
3 under sub. (8) (a). The department shall review each claim of reimbursement and,
4 if the department approves the claim, the department shall certify to the department
5 of administration for reimbursement to the ~~county or~~ tribal governing body for
6 amounts due under sub. (8) (a) and payment claimed to be made to the ~~counties or~~
7 tribal governing bodies monthly. The department may make advance payments
8 prior to the beginning of each month equal to one-twelfth of the contracted amount.

9 **SECTION 95.** 49.78 (10) (b) of the statutes is amended to read:

10 49.78 (10) (b) To facilitate prompt reimbursement, the certificate of the
11 department may be based on the certified statements of the ~~county officers or~~ tribal
12 governing body executives filed under par. (a). Funds recovered from audit
13 adjustments from a prior fiscal year may be included in subsequent certifications
14 only to pay ~~counties~~ tribal governing bodies owed funds as a result of any audit
15 adjustment. By September 30 annually, the department shall submit a report to the
16 appropriate standing committees under s. 13.172 (3) on funds recovered and paid out
17 during the previous calendar year as a result of audit adjustments.

18 **SECTION 96.** 49.785 (1) (intro.) of the statutes is amended to read:

19 49.785 (1) (intro.) Except as provided in sub. (1m) ~~and subject to s. 49.825~~, if
20 any recipient specified in sub. (1c) dies and the estate of the deceased recipient is
21 insufficient to pay the funeral, burial, and cemetery expenses of the deceased
22 recipient, the ~~department or~~ ^{no strike ← plain} county or applicable tribal governing body or
23 organization responsible for burial of the recipient shall pay, to the person
24 designated by the ~~department or~~ ^{no strike} county department under s. 46.215, 46.22, or 46.23

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1 or applicable tribal governing body or organization responsible for the burial of the
2 recipient, all of the following:

3 **SECTION 97.** 49.785 (1c) (a) of the statutes is amended to read:

4 49.785 (1c) (a) A recipient of benefits under s. 49.77, 2009 stats., or s. 49.148,
5 49.39, or 49.46, or 49.77, or under 42 USC 1381 to 1385 in effect on May 8, 1980.

6 **SECTION 98.** 49.785 (1m) (a) of the statutes is amended to read:

plain
7 49.785 (1m) (a) If the total cemetery expenses for the recipient exceed \$3,500,
8 the ~~department or county~~ *no strike* or applicable tribal governing body or organization
9 responsible for burial of the recipient is not required to make a payment for the
10 cemetery expenses under sub. (1) (a).

11 **SECTION 99.** 49.785 (1m) (b) of the statutes is amended to read:

plain
12 49.785 (1m) (b) If the total funeral and burial expenses for the recipient exceed
13 \$4,500, the ~~department or county~~ *no strike* or applicable tribal governing body or organization
14 responsible for burial of the recipient is not required to make a payment for funeral
15 and burial expenses under sub. (1) (b).

16 **SECTION 100.** 49.785 (1m) (c) of the statutes is amended to read: *plain*

17 49.785 (1m) (c) If a request for payment under sub. (1) is made more than 12
18 months after the death of the recipient, the ~~department or county~~ *no strike* or applicable tribal
19 governing body or organization responsible for burial of the recipient is not required
20 to make a payment for cemetery, funeral, or burial expenses.

21 **SECTION 101.** 49.785 (2) of the statutes is amended to read:

22 49.785 (2) From the appropriation under s. 20.435 (4) ~~(bn)~~ *(br)*, the department
23 shall reimburse a county or applicable tribal governing body or organization for any
24 amount that the county or applicable tribal governing body or organization is
25 required to pay under sub. (1) if the county or applicable tribal governing body or

1 organization complies with sub. (3). From the appropriation under s. 20.435 (4) ~~(bn)~~
2 ~~(br)~~, the department shall reimburse a county or applicable tribal governing body or
3 organization for cemetery expenses or for funeral and burial expenses for a person
4 described under sub. (1) that the county or applicable tribal governing body or
5 organization is not required to pay under subs. (1) and (1m) only if the department
6 approves the reimbursement due to unusual circumstances and if the county or
7 applicable tribal governing body or organization complies with sub. (3).

8 **SECTION 102.** 49.79 (3) (a) of the statutes is amended to read:

9 49.79 (3) (a) A ~~county or~~ federally recognized American Indian tribe is liable
10 for all food stamp coupons lost, misappropriated, or destroyed while under the
11 ~~county's or~~ tribe's direct control, except as provided in par. (b).

12 **SECTION 103.** 49.79 (3) (b) of the statutes is amended to read:

13 49.79 (3) (b) A ~~county or~~ federally recognized American Indian tribe is not liable
14 for food stamp coupons lost in natural disasters if it provides evidence acceptable to
15 the department that the coupons were destroyed and not redeemed.

16 **SECTION 104.** 49.79 (3) (c) of the statutes is amended to read:

17 49.79 (3) (c) A ~~county or~~ federally recognized American Indian tribe is liable
18 for food stamp coupons mailed to ~~residents of the county or~~ members of the tribe and
19 lost in the mail due to incorrect information submitted to the department by the
20 ~~county or~~ tribe.

21 **SECTION 105.** 49.79 (4) of the statutes is amended to read:

22 49.79 (4) DEDUCTIONS FROM ~~COUNTY~~ INCOME MAINTENANCE PAYMENTS. The
23 department shall withhold the value of food stamp losses for which a ~~county or~~
24 federally recognized American Indian tribe is liable under sub. (3) from the payment

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1 to the ~~county or~~ tribe under income maintenance contracts under s. 49.78 and
2 reimburse the federal government from the funds withheld.

3 **SECTION 106.** 49.79 (9) (a) 1. of the statutes is amended to read:

4 49.79 **(9)** (a) 1. The department shall administer an employment and training
5 program for recipients under the food stamp program and may contract under s.
6 49.78 ~~with county departments under ss. 46.215, 46.22, and 46.23, and~~ with tribal
7 governing bodies to carry out the administrative functions. The department may
8 contract, or a ~~county department or~~ tribal governing body may subcontract, with a
9 Wisconsin Works agency or another provider to administer the employment and
10 training program under this subsection. Except as provided in subds. 2. and 3., the
11 department may require able individuals who are 18 to 60 years of age who are not
12 participants in a Wisconsin Works employment position to participate in the
13 employment and training program under this subsection.

14 **SECTION 107.** 49.793 (1) of the statutes is amended to read:

15 49.793 **(1)** The department ~~or a county~~ or an elected governing body of a
16 federally recognized American Indian tribe or band acting on behalf of the
17 department, may recover overpayments that arise from an overissuance of food
18 coupons under the food stamp program administered under s. ~~46.215 (1) (k) or 46.22~~
19 ~~(1) (b) 2. d~~ 49.78. Recovery shall be made in accordance with 7 USC 2022.

20 **SECTION 108.** 49.793 (2) (a) of the statutes is renumbered 49.793 (2) and
21 amended to read:

22 49.793 **(2)** ~~Except as provided in par. (b), a~~ A county or governing body of a
23 federally recognized American Indian tribe may retain a portion of the amount of an
24 overpayment the state is authorized to retain under 7 USC 2025 that is recovered
25 under sub. (1) due to the efforts of an employee or officer of the county or tribe. The

1 department shall promulgate a rule establishing the portion of the amount of the
2 overpayment that the county or governing body may retain. This ~~paragraph~~
3 subsection does not apply to recovery of an overpayment that was made as a result
4 of state, county, or tribal governing body error.

5 **SECTION 109.** 49.793 (2) (b) of the statutes is repealed.

6 **SECTION 110.** 49.795 (1) (e) 1. of the statutes is amended to read:

7 49.795 (1) (e) 1. An employee or officer of the federal government, the state,
8 ~~a county~~ or a federally recognized American Indian tribe acting in the course of
9 official duties in connection with the food stamp program.

10 **SECTION 111.** 49.795 (1) (e) 2. of the statutes is amended to read:

11 49.795 (1) (e) 2. A person acting in the course of duties under a contract with
12 the federal government, the state, ~~a county~~ or a federally recognized American
13 Indian tribe in connection with the food stamp program.

14 **SECTION 112.** 49.795 (8) (d) 2. of the statutes is amended to read:

15 49.795 (8) (d) 2. The person may apply to the ~~county~~ department under ~~s.~~
16 ~~46.215, 46.22 or 46.23~~ or the federally recognized American Indian tribal governing
17 body or, if the person is a supplier, to the federal department of agriculture for
18 reinstatement following the period of suspension, if the suspension is not permanent.

19 **SECTION 113.** 49.797 (8) of the statutes is amended to read:

20 49.797 (8) COUNTY TRIBAL GOVERNING BODY PARTICIPATION; EXCEPTION. The
21 department may not require a ~~county or~~ tribal governing body to participate in an
22 electronic benefit transfer system under this section if the costs to the ~~county or~~ tribal
23 governing body would be greater than the costs that the ~~county or~~ tribal governing
24 body would incur in delivering the benefits through a system that is not an electronic
25 benefit transfer system.

1 **SECTION 114.** 49.825 of the statutes, as affected by 2011 Wisconsin Act (this
2 act), is repealed.

3 **SECTION 115.** 49.825 (2) (a) 2. of the statutes is repealed.

4 **SECTION 116.** 49.83 of the statutes is amended to read:

5 **49.83 Limitation on giving information.** Except as provided under ss.
6 49.25 and 49.32 (9), (10), and (10m), no person may use or disclose information
7 concerning applicants and recipients of relief funded by a relief block grant, aid to
8 families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social
9 services, child and spousal support and establishment of paternity and medical
10 support liability services under s. 49.22, or supplemental payments under s. 49.77,
11 2009 stats., or s. 49.39 for any purpose not connected with the administration of the
12 programs, except that the department of children and families may disclose such
13 information to the department of revenue for the sole purpose of administering state
14 taxes. Any person violating this section may be fined not less than \$25 nor more than
15 \$500 or imprisoned in the county jail not less than 10 days nor more than one year
16 or both.

17 **SECTION 117.** 49.845 (1) of the statutes is amended to read:

18 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
19 (bn), (kz), (L), and (nn), the department of health services shall establish a program
20 to investigate suspected fraudulent activity on the part of recipients of medical
21 assistance under subch. IV, food stamp benefits under the food stamp program under
22 7 USC 2011 to 2036, ~~supplemental security income payments under s. 49.77,~~
23 ~~payments for the support of children of supplemental security income recipients~~
24 ~~under s. 49.775,~~ and health care benefits under the Badger Care health care program
25 under s. 49.665 and, if the department of children and families contracts with the

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1 department of health services under sub. (4), on the part of recipients of aid to
2 families with dependent children under s. 49.19, supplemental security income
3 payments under s. 49.77, 2009 stats., or s. 49.39, payments for the support of children
4 of supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395,
5 and participants in the Wisconsin Works program under ss. 49.141 to 49.161. The
6 activities of the department of health services under this subsection may include
7 comparisons of information provided to the department by an applicant and
8 information provided by the applicant to other federal, state, and local agencies,
9 development of an advisory welfare investigation prosecution standard, and
10 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to
11 Wisconsin Works agencies to encourage activities to detect fraud. The department
12 of health services shall cooperate with district attorneys regarding fraud
13 prosecutions.

14 **SECTION 118.** 49.845 (2) of the statutes is amended to read:

15 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health
16 services shall conduct activities to reduce payment errors in the Medical Assistance
17 program under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
18 ~~supplemental security income payments program under s. 49.77, the program~~
19 ~~providing payments for the support of children of supplemental security income~~
20 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665~~
21 and, if the department of children and families contracts with the department of
22 health services under sub. (4), in the supplemental security income payments
23 program under s. 49.39, the program providing payments for the support of children
24 of supplemental security income recipients under s. 49.395, and Wisconsin Works
25 under ss. 49.141 to 49.161.

1 **SECTION 119.** 49.845 (4) (title) of the statutes is amended to read:

2 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS, SUPPLEMENTAL SECURITY
3 INCOME, AND CARETAKER SUPPLEMENT.

4 **SECTION 120.** 49.845 (4) (a) 1. of the statutes is amended to read:

5 49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of
6 children and families may contract with the department of health services to
7 investigate suspected fraudulent activity on the part of recipients of aid to families
8 with dependent children under s. 49.19, recipients of supplemental security income
9 payments under s. 49.39, recipients of payments for the support of children of
10 supplemental security income recipients under s. 49.395, and participants in
11 Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities to reduce
12 payment errors in the supplemental security income payments program under s.
13 49.39, the program providing payments for the support of children of supplemental
14 security income recipients under s. 49.395, and Wisconsin Works under ss. 49.141 to
15 49.161, as provided in this section. If any employee of the department of health
16 services reasonably suspects that fraudulent activity as described in this subdivision
17 has occurred or is occurring, the employee shall immediately report the facts and
18 circumstances contributing to that suspicion to the employee's immediate
19 supervisor.

20 **SECTION 121.** 49.847 (3) (a) of the statutes is renumbered 49.847 (3) and
21 amended to read:

22 49.847 (3) Subject to ss. 49.497 (2) and 49.793 (2), ~~and except as provided in par.~~
23 ~~(b),~~ a county or elected governing body may retain a portion of an amount recovered
24 under this section due to the efforts of an employee or officer of the county, tribe, or
25 band, as provided by the department by rule.

SECTION 122. 49.847 (3) (b) of the statutes is repealed.

SECTION 123. 49.89 (7) (a) of the statutes is amended to read:

49.89 (7) (a) ~~Except as provided in par. (f), any~~ Any county or elected tribal governing body that has made a recovery under this section shall receive an incentive payment from the sum recovered as provided under this subsection.

SECTION 124. 49.89 (7) (bm) of the statutes is amended to read:

49.89 (7) (bm) The incentive payment shall be an amount equal to 15% of the amount recovered because of benefits paid as state supplemental payments under s. 49.77, 2009 stats., or s. 49.39. The incentive payment shall be taken from the state share of the sum recovered.

SECTION 125. 49.89 (7) (f) of the statutes is repealed.

SECTION 126. 49.90 (1) (b) of the statutes is amended to read:

49.90 (1) (b) For purposes of this section those persons receiving benefits under federal Title XVI or under s. ~~49.77~~ 49.39 shall not be deemed dependent persons.

SECTION 127. 49.96 of the statutes is amended to read:

49.96 Assistance grants exempt from levy. All grants of aid to families with dependent children, payments made under ss. 48.57 (3m) or (3n), 49.148 (1) (b) 1. or (c) or (1m) or 49.149 to 49.159, payments made for social services, cash benefits paid by counties under s. 59.53 (21), and benefits under s. ~~49.77~~ 49.39 or federal Title XVI, are exempt from every tax, and from execution, garnishment, attachment and every other process and shall be inalienable.

SECTION 128. 50.03 (14) (b) of the statutes is amended to read:

50.03 (14) (b) The county departments of the county in which the facility is located that are responsible for providing services under s. 46.215 (1) (L), ~~46.22 (1) (b) 1. c.~~ 46.22 (1) (b) 2. h., 51.42 or 51.437 shall participate in the development and

1 implementation of individual relocation plans. Any county department of another
2 county shall participate in the development and implementation of individual
3 relocation plans in place of the county departments of the county in which the facility
4 is located, if the county department accepts responsibility for the resident or is
5 delegated responsibility for the resident by the department or by a court.

6 **SECTION 129.** 50.037 (3) of the statutes is amended to read:

7 50.037 (3) EXEMPTION. Community-based residential facilities where the total
8 monthly charges for each resident do not exceed the monthly state supplemental
9 payment rate under s. ~~49.77 (3s)~~ 49.39 (3s) that is in effect at the time the fee under
10 sub. (2) is assessed are exempt from this section.

11 **SECTION 130.** 59.22 (2) (c) 2. of the statutes is amended to read:

12 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
13 rules of the department of children and families under s. ~~49.78 (4) to (7)~~ 49.19 (19g)
14 relating to employees administering old-age assistance, aid to families with
15 dependent children, aid to the blind, or aid to totally and permanently disabled
16 persons or ss. 63.01 to 63.17.

17 **SECTION 131.** 63.03 (2) (r) of the statutes is amended to read:

18 63.03 (2) (r) All staff performing services ~~for the Milwaukee County enrollment~~
19 ~~services unit under s. 49.825 or for the child care provider services unit under s.~~
20 49.826.

21 **SECTION 132.** 111.70 (1) (a) of the statutes is amended to read:

22 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
23 obligation of a municipal employer, through its officers and agents, and the
24 representative of its municipal employees in a collective bargaining unit, to meet and
25 confer at reasonable times, in good faith, with the intention of reaching an

1 agreement, or to resolve questions arising under such an agreement, with respect to
2 wages, hours, and conditions of employment, and with respect to a requirement of
3 the municipal employer for a municipal employee to perform law enforcement and
4 fire fighting services under s. 61.66, and for a school district with respect to any
5 matter under sub. (4) (o), and for a school district with respect to any matter under
6 sub. (4) (n), except as provided in subs. (3m), (3p), and (4) (m) and (mc) and s. 40.81
7 (3) and except that a municipal employer shall not meet and confer with respect to
8 any proposal to diminish or abridge the rights guaranteed to municipal employees
9 under ch. 164. The duty to bargain, however, does not compel either party to agree
10 to a proposal or require the making of a concession. Collective bargaining includes
11 the reduction of any agreement reached to a written and signed document. The
12 municipal employer shall not be required to bargain on subjects reserved to
13 management and direction of the governmental unit except insofar as the manner
14 of exercise of such functions affects the wages, hours, and conditions of employment
15 of the municipal employees in a collective bargaining unit. In creating this
16 subchapter the legislature recognizes that the municipal employer must exercise its
17 powers and responsibilities to act for the government and good order of the
18 jurisdiction which it serves, its commercial benefit and the health, safety, and
19 welfare of the public to assure orderly operations and functions within its
20 jurisdiction, subject to those rights secured to municipal employees by the
21 constitutions of this state and of the United States and by this subchapter.

22 **SECTION 133.** 111.70 (3m) of the statutes is repealed.

23 **SECTION 134.** 230.44 (1) (h) of the statutes is repealed.

24 **SECTION 135.** 767.521 (intro.) of the statutes is amended to read:

1 **767.521 Action by state for child support.** (intro.) The state or its delegate
2 under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.001
3 (1) (f) or for paternity determination and child support under s. 767.80 if the child's
4 right to support is assigned to the state under s. 49.775 (2) (bm), 2009 stats., or s.
5 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775
6 49.395 (2) (bm) and all of the following apply:

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7 **SECTION 9121. Nonstatutory provisions; Health Services.**

8 (1) **TRANSFER OF INCOME MAINTENANCE ADMINISTRATION TO INCOME MAINTENANCE**
9 **ADMINISTRATION UNIT.**

10 (a) *Definitions.* In this subsection:

11 1. "County" means a county administering income maintenance programs, as
12 defined in section 49.78 (1) (b) of the statutes, as affected by this act, on the effective
13 date of this subdivision.

14 2. "Department" means the department of health services.

15 3. "Income maintenance programs" has the meaning given in section 49.78 (1)
16 (b) of the statutes, as affected by this act.

17 4. "Unit" has the meaning given in section 49.78 (1) (f) of the statutes, as created
18 by this act.

19 (b) *Transition Plan.* On the effective date of this paragraph, the department
20 shall begin to transition the administration of the income maintenance programs
21 from counties to the unit. The department shall develop a transition plan that
22 includes a deadline by which each county must transfer to the department all records
23 in the possession of the county that are related to the administration of income
24 maintenance programs.

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(c) *Delegation of administrative functions to counties.* Notwithstanding section 49.78 of the statutes, as affected by this act, before May 1, 2012, the department may delegate some or all of the administrative functions related to income maintenance programs to counties, on a county by county basis. If the department delegates administrative functions related to income maintenance programs to a county, the county shall continue to perform the delegated administrative functions until the department notifies the county that the unit is prepared to assume responsibility for the administrative functions. The department and a county to which the department delegates administrative functions related to income maintenance programs shall enter into a contract relating to the county's administrative functions and reimbursement for the reasonable costs of performing those administrative functions. Reimbursements to counties that continue to administer income maintenance programs shall be considered costs incurred by the unit to administer income maintenance programs.

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(2) ELIMINATION OF MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT. The department of health services shall determine when the income maintenance administration unit established under section 49.78 (1m) of the statutes, as created by this act, is prepared to take over income maintenance administration responsibilities in Milwaukee County and shall notify the legislative reference bureau of that date. The legislative reference bureau shall publish a notice in the Wisconsin Administrative Register that specifies that date.

SECTION 9421. Effective dates; Health Services.

(1) ELIMINATION OF THE MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT. The treatment of sections 20.435 (4) (bm) (by SECTION 4), (im), and (L), 40.02 (25) (b) 2c., 40.22 (2) (m), 40.62 (2), 46.215 (1) (intro.) (by SECTION 19), 49.155 (1) (ah), 49.197 (2)

4(a) Date of transfer to unit.
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49.785(1)(intro.) (by SECTION 81),

1 (cm), 49.496 (4) (a) and (b) and (5), 49.497 (2) (a) and (b), 49.78 (1m) (intro.) (by
2 SECTION 81), 49.793 (2) (a) and (b), 49.825 (by SECTION 114), 49.847 (3) (a) and (b),
3 49.89 (7) (a) and (f), 63.03 (2) (r), 111.70 (1) (a) and (3m), and 230.44 (1) (h) of the
4 statutes takes effect on the date specified in the notice published in the Wisconsin
5 Administrative Register under SECTION 9121 (1) of this act, or on May 1, 2012,
6 whichever is earlier.

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auto ref C → SECTION 1, 20.435 (4) (bm) of the statutes, as affected by 2011 Wisconsin Act
section #, auto ref B

1 SECTION 1 20.435 (4) (bm) of the statutes, as affected by 2011 Wisconsin Act
2 (this act), is amended to read:
3 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*
4 *administration; contract costs, insurer reports, and resource centers.* Biennially, the
5 amounts in the schedule to provide a portion of the state share of administrative
6 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the
7 Badger Care health care program under s. 49.665 and ^{no strike} all of the the state share of
8 administrative costs for the food stamp program under s. 49.79, and the
9 administrative costs of the cemetery, funeral, and burial expenses program under s.
10 49.785, including payments to a tribal governing body that administers income
11 maintenance programs, as defined in s. 49.78 (1) (b), ~~and to a county to which income~~
12 ~~maintenance administrative functions are delegated under 2011 Wisconsin Act~~
13 ~~(this act), section 9121 (1) (c), to develop and implement a registry of recipient~~
14 immunizations, to reimburse 3rd parties for their costs under s. 49.475, for costs
15 associated with outreach activities, to administer the pharmacy benefits purchasing
16 pool under s. 146.45, and for services of resource centers under s. 46.283. No state
17 positions may be funded in the department of health services from this
18 appropriation, except positions for the performance of duties under a contract in
19 effect before January 1, 1987, related to the administration of the Medical Assistance
20 program between the subunit of the department primarily responsible for
21 administering the Medical Assistance program and another subunit of the
22 department or for positions in the income maintenance administration unit, as

LPS: This is the rest of Insult 5-21

described in s. 49.78 (1m). Total administrative funding authorized for the program under s. 49.665 may not exceed 10% of the amounts budgeted under pars. (p) and (x).

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334.

LPS: don't delete these - it's just printed wrong

INSERT 16-9

SECTION 2. 49.19 (5) (d) of the statutes is amended to read:

49.19 (5) (d) The department shall reimburse the county for pay the funeral, burial, and cemetery expenses of a dependent child or the child's parents as provided in s. 49.785.

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9; 2001 a. 59; 2003 a. 33; 2005 a. 22; 2005 a. 443 s. 265; 2007 a. 20 ss. 1459 to 1463, 9121 (6) (a); 2009 a. 28.

END INSERT 16-9

INSERT 28-5

SECTION 3. 49.78 (1) (b) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.78 (1) (b) "Income maintenance program" means the Medical Assistance program under subch. IV of ch. 49, the Badger Care health care program under s. 49.665, the food stamp program under 7 USC 2011 to 2036, or the cemetery, funeral, and burial expenses program under s. 49.785.

History: 1995 a. 27 ss. 2041 to 2045, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

END INSERT 28-5

INSERT 34-7

SECTION 4. 49.785 (3) (intro.) of the statutes is amended to read:

LPS: Go to the next page for the rest of inserts

c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334.

1

INSERT 16-9

2

SECTION 2. 49.19 (5) (d) of the statutes is amended to read:

3

49.19 (5) (d) The department shall reimburse the county for pay the funeral,

4

burial, and cemetery expenses of a dependent child or the child's parents as provided

5

in s. 49.785.

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9; 2001 a. 59; 2003 a. 33; 2005 a. 22; 2005 a. 443 s. 265; 2007 a. 20 ss. 1459 to 1463, 9121 (6) (a); 2009 a. 28.

END INSERT 16-9

*create
amendments #*

INSERT 28-5

6

SECTION 3. 49.78 (1) (b) of the statutes, as affected by 2011 Wisconsin Act

7

(this act), is amended to read:

8

49.78 (1) (b) "Income maintenance program" means the Medical Assistance

9

program under subch. IV of ch. 49, the Badger Care health care program under s.

10

49.665, ^{and} the food stamp program under 7 USC 2011 to 2036, or the cemetery, funeral,

11

and burial expenses program under s. 49.785.

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

END INSERT 28-5

*(insert 33-2 stand
+ 347-A)*

INSERT 34-7 B

12

SECTION 4. 49.785 (3) (intro.) of the statutes is amended to read:

13

49.785 (3) (intro.) As a condition for reimbursement under sub. (2) for amounts

14

paid on behalf of a deceased recipient, [↓] a county or an applicable tribal governing body

1 or organization shall provide to the department all of the following information with
2 respect to the deceased recipient:

History: 1973 c. 147, 333; 1975 c. 39, 224; 1979 c. 206; 1981 c. 20; 1985 a. 29, 176, 332; 1989 a. 31, 239; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 s. 1302; Stats. 2003 s. 49.785; 2005 a. 25; 2007 a. 20; 2009 a. 15, 393; 13.92 (2) (i).

3 **SECTION 5.** 49.785 (3) (c) of the statutes is amended to read:

4 49.785 (3) (c) The total amount of each of the expenses under pars. (a) and (b)
5 that the ~~county or~~ tribal governing body or organization paid on behalf of the
6 deceased recipient.

History: 1973 c. 147, 333; 1975 c. 39, 224; 1979 c. 206; 1981 c. 20; 1985 a. 29, 176, 332; 1989 a. 31, 239; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 s. 1302; Stats. 2003 s. 49.785; 2005 a. 25; 2007 a. 20; 2009 a. 15, 393; 13.92 (2) (i).

END INSERT 34-7B

INSERT 37-2

7 **SECTION 6.** 49.825 (2) (a) 1. of the statutes is amended to read:

8 49.825 (2) (a) 1. Income maintenance programs, as defined in s. 49.78 (1) (b),
9 2009 stats.

History: 2009 a. 15.

END INSERT 37-2

(Insert 44-21 at end)

INSERT 45-6

10 ~~(b)~~ TRANSFER ADMINISTRATION OF THE FUNERAL EXPENSES PROGRAM TO THE INCOME
11 MAINTENANCE ADMINISTRATION UNIT. The treatment of sections 20.435 (4) (bm) (by
12 SECTION ~~AUTOREF~~ ^{#C}), 49.19 (5) (d), 49.78 (1) (b) (by SECTION ~~AUTOREF~~ ^{#F}), 49.785 (1)
13 (intro.) (1m) (a), (b) and (c), (2) and (3) (intro.) and (c) of the statutes takes effect on
14 May 1, 2012.

(by SECTION ~~#~~) ^{auto ref 97}
(by SECTION ~~#~~) ^{auto ref 98}

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1019/2ins
PJK:.....

auto ref 97
↓

INSERT 33-2

1 **SECTION 1.** 49.785 (1) (intro.) of the statutes, as affected by 2011 Wisconsin Act
2 (this act), is amended to read:

3 49.785 (1) (intro.) Except as provided in sub. (1m), if any recipient specified in
4 sub. (1c) dies and the estate of the deceased recipient is insufficient to pay the
5 funeral, burial, and cemetery expenses of the deceased recipient, the department ~~or~~
6 ~~county~~ or applicable tribal governing body or organization responsible for burial of
7 the recipient shall pay, to the person designated by the department ~~or county~~
8 ~~department under s. 46.215, 46.22, or 46.23~~ or applicable tribal governing body or
9 organization responsible for the burial of the recipient, all of the following:

History: 1973 c. 147, 333; 1975 c. 39, 224; 1979 c. 206; 1981 c. 20; 1985 a. 29, 176, 332; 1989 a. 31, 239; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33
s. 1302; Stats. 2003 s. 49.785; 2005 a. 25; 2007 a. 20; 2009 a. 15, 393; 13.92 (2) (i).

(END OF INSERT 33-2)

auto ref 98
↓

INSERT 34-7A

10 **SECTION 2.** 49.785 (2) of the statutes, as affected by 2011 Wisconsin Act (this
11 act), is amended to read:

12 49.785 (2) From the appropriation under s. 20.435 (4) (br), the department
13 shall reimburse [↓] ~~a county or~~ an applicable tribal governing body or organization for
14 any amount that the ~~county or~~ applicable tribal governing body or organization is
15 required to pay under sub. (1) if the ~~county or applicable~~ tribal governing body or
16 organization complies with sub. (3). From the appropriation under s. 20.435 (4) (br),
17 the department shall reimburse [↓] ~~a county or~~ an applicable tribal governing body or
18 organization for cemetery expenses or for funeral and burial expenses for a person
19 described under sub. (1) that the ~~county or applicable~~ tribal governing body or
20 organization is not required to pay under subs. (1) and (1m) only if the department

Ins 34-7A contd

- 1 approves the reimbursement due to unusual circumstances and if the ~~county or~~
2 ~~applicable~~ tribal governing body or organization complies with sub. (3).

History: 1973 c. 147, 333; 1975 c. 39, 224; 1979 c. 206; 1981 c. 20; 1985 a. 29, 176, 332; 1989 a. 31, 239; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 s. 1302; Stats. 2003 s. 49.785; 2005 a. 25; 2007 a. 20; 2009 a. 15, 393; 13.92 (2) (i).

(END OF INSERT 34-7A)

INSERT 44-21

- 3 *text NS: par* ~~(b)~~ *Unreimbursed expenditure.* In the calendar year in which the income
4 maintenance administration unit takes over administration responsibilities in
5 Milwaukee County, Milwaukee County's unreimbursed required minimum
6 expenditure shall be prorated on the basis of the length of time the Milwaukee
7 County enrollment services unit administers the programs under section 49.825 (2) ✓
8 (a) 1. of the statutes, as affected by this act.

(END OF INSERT 44-21)

Knepp, Fern

From: Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]
Sent: Wednesday, February 16, 2011 9:15 AM
To: Knepp, Fern
Subject: RE: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

Fern,

I just want to point out that counties will receive their income maintenance allocations during the transition period. As such, they will receive funding for administration of the funeral and cemetery aids program during the transition. When we spoke over the phone I mentioned that I didn't fully understand the reason for specifying that funeral and cemetery aids is or is not an income maintenance program. I still think it makes more sense to simply say that counties are responsible for funeral and cemetery aids administration until May 2012, when centralization is complete.

Marta Skwarczek

Health Services and Insurance Team
 Executive Policy and Budget Analyst
 608-267-7980

From: Knepp, Fern [mailto:Fern.Knepp@legis.wisconsin.gov]
Sent: Wednesday, February 16, 2011 8:38 AM
To: Skwarczek, Marta A - DOA
Cc: Kahler, Pam - LEGIS
Subject: RE: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

Marta,

I think this will change because between the effective date of the budget and May 1, 2012, the funeral program will not be an IM program. As drafted, during this transition period the counties would be reimbursed for funeral program expenses under 49.785 (2) and such expenses would be paid by the department out of 20.435 (4) (br). Counties will not receive funding for the administration of the funeral program during the transition under this draft. If counties should continue to receive funding for administrative costs during the transition, please let me know.

The /P1 version included language in 49.785 (2) that required the DHS to reimburse counties for administrative costs. DHS responded to that language as follows: "This is contrary to our intent! There will be no money to pay counties for admin costs for the program. We will reimburse them for the funeral, cemetery, burial costs they pay to families, but there will no admin funding available." Do you know if DHS was referring to a different issue in this statement?

Thanks,
 Fern

From: Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]
Sent: Wednesday, February 16, 2011 8:25 AM
To: Knepp, Fern
Subject: RE: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

Ok, just to be clear, it is my understanding that currently, counties receive funding for administering the funeral and cemetery aids program through their income maintenance allocations (although it is perhaps not explicitly stated in statute). This will not change until May 2012, when the state will take over administration of the program. Is this how you understand it?

2/16/2011

Marta Skwarczek

Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980

From: Knepp, Fern [mailto:Fern.Knepp@legis.wisconsin.gov]

Sent: Tuesday, February 15, 2011 2:11 PM

To: Skwarczek, Marta A - DOA

Subject: RE: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

Yes. Funeral expenses will all be paid out of (br) and administrative costs for the Milwaukee unit will be paid out of (bm). It is our understanding that the counties will not be reimbursed for administrative costs of the funeral program. Once the funeral program is administered by the IM unit, administration costs will be paid out of (bm).

Fern

From: Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]

Sent: Tuesday, February 15, 2011 1:56 PM

To: Kahler, Pam

Cc: Knepp, Fern

Subject: RE: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

In the new income maintenance compiled draft, will 20.435(4)(bn) still be 'Income maintenance; food stamp employment and training program'?

Marta Skwarczek

Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]

Sent: Tuesday, February 15, 2011 1:36 PM

To: Skwarczek, Marta A - DOA

Subject: RE: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

Ok, thanks.

From: Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]

Sent: Tuesday, February 15, 2011 1:09 PM

To: Kahler, Pam

Subject: RE: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

I think (bm).

Marta Skwarczek

Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]

Sent: Tuesday, February 15, 2011 12:15 PM

To: Skwarczek, Marta A - DOA

2/16/2011

Cc: Knepp, Fern - LEGIS

Subject: RE: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

After thinking it over a bit, this is pretty much how Fern and I had assumed it would work, except for the part about paying admin expenses through the IM appropriation, since counties will not administer IM, except as delegated under contracts during the interim - which will not affect the funeral expenses program because it won't be an IM program during the interim. We assumed that counties administering the funeral expenses program, until it becomes an IM program, would pay their own administrative expenses and get reimbursed by the state for the benefit costs. Once the funeral expenses program becomes an IM program again, it will be administered by DHS and DHS will also pay benefits directly. If this interpretation is correct, which appropriation should pay for the state administration of the funeral expenses program once it is an IM program again, (bm), (bn), or (br)?

From: Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]

Sent: Tuesday, February 15, 2011 10:55 AM

To: Kahler, Pam

Cc: Knepp, Fern

Subject: FW: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

Pam,

Per DHS: Under our proposal, prior to centralization the status quo is maintained. The counties administer the process and pay the funeral directors. We reimburse counties for the benefits cost. Once centralization occurs, we will handle the administration and will reimburse the providers directly. The new funeral and cemetery aids appropriation is for the benefits costs -- the cost of reimbursing funeral directors. There is no admin in those amounts. Counties are reimbursed for their admin expenses through the IM appropriation.

Does this work?

Marta Skwarczek

Health Services and Insurance Team

Executive Policy and Budget Analyst

608-267-7980

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]

Sent: Tuesday, February 15, 2011 10:03 AM

To: Skwarczek, Marta A - DOA

Cc: Knepp, Fern - LEGIS

Subject: FW: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

And, we also need to know who pays for each part at each stage. Thanks.

From: Kahler, Pam

Sent: Tuesday, February 15, 2011 9:59 AM

To: Skwarczek, Marta A - DOA

Cc: Knepp, Fern

Subject: FW: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

Hi, Marta:

2/16/2011

We are a little confused about how to treat the funeral, etc., expenses program. If you think of the program as having two distinct parts, 1) the payment of expenses and 2) administration, my understanding is that currently counties pay the expenses and are reimbursed by the state, and counties also administer the program as an IM program, and are paid for their administrative costs by the state under IM administration contracts with the state. For drafting purposes in the budget, who (or what) do you want to do each part and when?

Pam

From: Knepp, Fern

Sent: Tuesday, February 15, 2011 9:20 AM

To: Kahler, Pam

Subject: FW: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

FYI

From: Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]

Sent: Tuesday, February 15, 2011 9:03 AM

To: Knepp, Fern

Subject: FW: Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

Fern,

Please see the department's responses to your questions and comments below.

The department also wishes to centralize administration of the funeral, cemetery, and burial program once IM centralization is implemented statewide. This means that the department would take in applications, determine eligibility for payments, and make payments directly to the funeral homes, etc. This change requires modification of 49.78 in the draft to include WFCAP in the definition of income maintenance. Also, 49.785 needs to be modified to reflect that the department (or tribe if it chooses to run its own IM program) will make the payments.

Thanks!

Marta Skwarczek

Health Services and Insurance Team

Executive Policy and Budget Analyst

608-267-7980

1. Milwaukee Unit transition.

In this draft, the repeal of the Milwaukee County enrollment services unit (Milwaukee unit) is delayed until the earlier of May 1, 2012, or the date that DHS determines the income administration unit (IM unit) is prepared to take over income maintenance administration responsibilities from the Milwaukee unit and notifies the LRB so that the LRB may publish a notice in the administrative register. Please also note, that the description of the IM unit includes an exception for income maintenance administration under the Milwaukee unit until the delayed effective date. OK as drafted.

As drafted, the amended definition of income maintenance programs is effective on the general effective date of the budget. This means that the Milwaukee unit will not be responsible for administering the

2/16/2011

funeral, cemetery, and burial program as of the effective date of the budget. Is this consistent with DHS's intent? If DHS would like the Milwaukee unit to continue to administer the funeral program during the transition period, please let me know so that I can make the necessary changes in ss. 49.785 (1) (intro.) and 49.825 (2). No - we want the Milwaukee unit to continue to administer the funeral, cemetery, and burial program as long as the Milwaukee unit is in operation.

DHS's comments state that they need Milwaukee county to make the \$2.7 million statutory contribution in fiscal year 2012. Under this bill, the latest that the Milwaukee unit will exist is May 2012. Section 49.825 (2) (d) 2. of the statutes requires that the county make an annual contribution of \$2.7 million. Therefore, it is currently somewhat ambiguous how that requirement will be applied in a year where the statute/Milwaukee unit is only in existence for a partial year. On a similar note, how does this payment interact with the reduction in community aids for Milwaukee County? In 2012, will Milwaukee County make a payment under section 49.825 of the statutes and also have its community aid allocation reduced? Please let me know if, and how, DHS would like this to be clarified. Current law says Milwaukee will not be reimbursed for \$2.7 million of costs they incur for county workers in the Milwaukee unit in CY 2009 and every subsequent year. We want to require them to contribute \$2.7 million thru CY 11 and then a prorated share of that in CY 12 until the state assumes responsibility: non-stat language for this?

Finally, DCF will continue to be able to contract with DHS for child care eligibility staff under s. 49.155 (3g).

2. Exemption from Ch. 16 for IM contracts.

Please see proposed s. 49.78 (1p) for a more narrow exemption from the purchasing requirements of ch. 16. Is this consistent with DHS's intent? Looks fine.

3. Elimination of "county" in various sections.

During the transition, DHS may delegate income maintenance administration functions to counties, on a county by county basis. Therefore, in instances where DHS has delegated income maintenance administration functions to a county, the term "department" will include the "county" to which the function was delegated. OK.

4. Administration of caretaker supplement program.

The IM unit could not administer the caretaker supplement program under s. 49.775 because that program is not included in the definition of "income maintenance programs." This is not a change from current law. However, the Milwaukee unit will continue to be able to administer both the state SSI payment program and the caretaker supplement because both programs are specifically listed in s. 49.825 (2). OK -- since CTS is not part of the IM definition in either current law or the draft, I recommend letting sleeping dogs lie. Also, the budget transfers CTS to DCF effective July 2011.

5. Definition of "income maintenance worker."

Section 49.78 (3) provides that DHS must promulgate rules establishing standards of competency for income maintenance workers. "Income maintenance worker" is currently defined in DHS 254.02 (10) as a "person employed by the county, [or] a governing body of a federally recognized American Indian [tribe] whose duties include determinations or redeterminations of income maintenance program eligibility." The draft includes a statutory definition of "income maintenance worker" to alter the scope of DHS's rule-making authority in a manner that prohibits the definition of income maintenance worker from including county employees and requires that the definition include employees of DHS. I altered the proposed definition to include employees of an entity that enters into a contract with DHS to provide

IM administrative services. Is this sufficient to cover persons that DHS will consider to be income maintenance workers under the centralized system? Yes

6. Payments for the administration of the funeral, cemetery, and burial program.

I removed the language that required the DHS to reimburse counties for the administrative costs of the funeral, cemetery, and burial program. I also removed the reference to such administrative costs from the appropriation under s. 20.435 (4) (bn). This means that there will not be an appropriation for such costs in the event that the Milwaukee unit continues to administer this program during the transition.
OK

7. Reduction to community aids allocation.

The requested language for a reduction to community aids allocation is added to s. 46.40 (9). Please note that the amount of the reduction is the amount expended in 2009, as determined by the department, without adjustments for inflation. Looks OK

Marta Skwarczek
Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980